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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/331,756	08/23/1999	MEHMET R. ARAS	888-29	2042

7590 05/08/2002

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EXAMINER

TRAN, HAI V

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 05/08/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/331,756

Applicant(s)

ARAS, MEHMET R.

Examiner

Hai Tran

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-59 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 38-59 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Arguments

Applicant's arguments filed on 08/13/01 have been fully considered but they are not persuasive.

Regarding claim 38, applicant argues

- Nemirosky is not related to a TV broadcast system and method.
- In response, the examiner respectfully disagrees because Nemirosky discloses a TV broadcast system Fig. 1 comprising a distribution center DC having means for transmitting a network-wide video program and a market-specific segments to a plurality of receiving sites RS. Nemirosky further discloses the network-wide program 20 and market-specific segments 22 will usually include commercial advertising, as well as **entertainment, news, sports and educational programming** (Col. 11, lines 24-26). Thus, Nemirosky's system is clearly related to a TV broadcast system and is located within a TV continuity studio.
- Nemirosky fails to teach or suggest "generating alphanumeric characters and/or image data... at a central site..."
- In response, the examiner respectfully disagrees because Nemirosky discloses a logo generator 30 coupled to Sync generator 28 generates a video overlay of selected Logo (image data) at the distribution center DC (Col. 5, lines 65+) and also at the receiving site RS under the control of

the inserting control unit 56, insert a Logo generated by logo generator 73 (Col. 10, lines 56-59).

- Nemirosky fails “to detect whether the alphanumeric characters and/or image data have been received correctly at the remote sites via the digital communication link.”
- In response, the examiner respectfully disagrees because Nemirosky discloses the Data receiver Message task (T1) continually waits and checks for receipt/failure of incoming messages (Col. 9, lines 53-57 and Col. 16, lines 7-36).
- Nemirosky fails to teach or suggest “generating and transmitting command codes with non-displayed portions of broadcast television signals to remotely control each of the remote sites from the central site.”
- In response, the examiner respectfully disagrees because Nemirosky discloses “In the analog embodiment, data insertion unit 38 preferably encodes the control data in a vertical blanking interval in the analog video signal” (Col. 6, lines 30-33).
- Nemirosky fails to teach or suggest “converting the alphanumeric characters and/or image data to local vision materials with a graphic generator at each of the remote sites.”
- In response, the examiner respectfully disagrees because Nemirosky discloses overlay keyers 75, under the control of insertion control unit 56, insert logo generated by logo generator 73, matching the one that

produced by logo generator 30 in UCS 4. CATV modulator 76 coupled to video overlay keyers 75 modulate the signal to an appropriate frequency for local distribution (Col.10, lines 53-65+; Fig. 3).

- Nemirosky fails to teach or suggest "at each remote site, overlaying the local vision material synchronously on to the continuing television signal without cutting off the main general broadcast.
- In response, from the above discussion, the examiner cites Col. 5, lines 65-Col. 6, lines 3 in which Memirosky at distribution center DC, the system **overlays Logo in the network-wide program 20 and/or market specific segments** and again at the receiving site RS; thus, when the system broadcasts either one of the network-wide program or the market specific segments, the video overlay of the selected logo should be present along with current television signal selected.

In response to arguments with respect to claim 38, the examiner's respond is equally applicable to claim 47; therefore, the rejection of the previous Office action is maintained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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1 Claims 38-41, 44, 47-49, 51, 53 and 56-59 are rejected under 35 U.S.C. 102(b) as being unpatentable by Nemirofsky (US 5412416).

Regarding claim 38, Nemirofsky discloses a TV broadcast method for a system to be operated from a TV continuity studio within the control of a broadcast flow unit, the method comprising:

Generating alphanumeric characters and/or image data separately for each of plural remote sites at a central site (Col. 3, lines 43-65+ and Col. 5, lines 29-Col.6, lines 30) and transmitting the alphanumeric characters and/or image data therefrom to the plural remote sites via a digital data communication link (Fig. 2, element 46; Col. 7, lines 53-65+);

Detecting whether the alphanumeric characters and/or image data have been received correctly at the remote sites via the link (Col. 9, lines 53-57 and Col. 10, lines 23-45 and Col. 15, lines 64-Col. 16, lines 57);

Generating and transmitting command codes (Col. 6, lines 46-65+) within non-displayed portions of broadcast television signals to remotely control each of the remote sites from the central site (Col. 7, lines 1-20).

Converting the alphanumeric characters and/or image data to local vision materials with a graphic generator at each of the remote sites (Fig. 3, Col. 11, lines 4-12);

Regarding "At each remote site, overlaying the local vision material synchronously onto the continuing general television signal without cutting off the main general broadcast", at Col. 5, lines 65-Col. 6, lines 3; at Memirosky's

distribution center DC, the system **overlays Logo in** the network-wide program 20 **and/or** market specific segments and again at the receiving site RS; thus, when the system broadcasts either one of the network-wide program or the market specific segments (Col. 11, lines 13-63), the video overlay of the selected logo should be present along with current television signal selected and

Detecting whether the local vision materials have been broadcast via transmission of digital information sent back to the central site (Col. 13, lines 34-44).

Regarding claim 39, Nemirofsky further discloses producing still or moving alphanumeric characters and/or image data at a the central site continuity studio (Col.5, lines 35-51); and

Simultaneously transmitting the alphanumeric characters and/or image data to a selected number of the remote sites through a digital data communication link (Col.6, lines 3-65+).

Regarding claim 40, Nemirofsky further discloses controlling and verifying whether the data present at the central site and sent to remote stations have been received correctly by using a modem (Col. 10, lines 8-30; Col. 15, lines 60-Col. 16, lines 2).

Regarding claim 41, Nemirofsky further discloses generating and transmitting command codes within the broadcasting process, either automatically or semi-automatically under an operator's control, to remote site by

using the VBI and/or hex numbered pages of the teletext transmission (Col.5, lines 19-35 and col.7, lines 1-10).

Regarding claim 44, Nemirofsky further discloses wherein the alphanumeric character and/or image data sent from the central site are converted at the remote site to local vision material as subtitles, graphics, footer, frame, or animation using a graphical generator, decoder, inserter, hard disk, and CD-ROM recorder/reader (Fig.3, Col.5, lines 65-Col.6, lines 50).

Regarding apparatus claim 47, see method claim 38.

Regarding apparatus claim 48, see method claim 39.

Regarding apparatus claim 49, see method claim 40.

Regarding apparatus claim 51, see method claim 41.

Regarding apparatus claim 53, see method claim 44.

Regarding method claims 56, 58, 59 and apparatus claims 57, they are analyzed with respect to method claim 38 in which Nemirofsky further discloses transmitting broadcast television signals from the central site RS to each of the remote site RS (Fig. 1-3). Furthermore, Nemirosky discloses the network-wide program 20 and market-specific segments 22 will usually include commercial advertising, as well as entertainment, news, sports and educational programming (Col. 11, lines 24-26). Thus Nemirosky's system clearly encompass the claimed limitation of "transmitting broadcast television signals".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 42 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nemirofsky (US 5412416) in view of Seth-Smith et al. (US 4829569).

Regarding claim 42, Nemirofsky does not clearly disclose wherein a decoder at each remote site extracts, decodes, and transfers commands coming through teletext to a remote site computer. However, Nemirofsky discloses a decoder at each remote site extracts, decodes and transfer commands coming through VBI to a remote site computer (Fig.3; Host computer 70; Col.10, lines 45-58).

Seth-Smith discloses that VBI are used to transmit teletext (Col.9, lines 11-23) so that a teletext decoder could detect system control data (Col.17, lines 10-25). Therefore, it would have been obvious to one in the ordinary skill in the art to modify Nemirofsky to use VBI to transmit teletext so that allows the user to selectively store, retrieve, and display any of the digital data transmitted with the video signal, thereby extending the enjoyment and utility of the consumer's TV set (Col.5, lines 49-63).

Regarding apparatus claim 50, see method claim 42.

3. Claims 43, 45, 46, 52, and 54-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nemirofsky (US 5412416) in view of Harvey et al. (US 4694490).

Regarding claim 43, Nemirofsky further discloses wherein the command codes from the central managing and controlling site act to control:

Functions (Col.11, lines 54-65+);

Switches between general or differential transmissions to a corresponding broadcast area from a storage medium for still or moving character and/or image data to a display producing area in a remote site (Col.6, lines 8-43).

Report a control process to a central site continuity studio (Col.16, lines 56-Col.17, lines 5);

Nemirofsky does not clearly disclose start, stop, differentiation of one or more process; however, Nemirofsky discloses multiple control tasks (Col.15, lines 63-65+) to perform process at remote site.

Harvey discloses start, stop, differentiation of one or more process (Abstract and Fig.6A-D and Col.17-21). Therefore, it would have been obvious to one in the ordinary skill in the art to modify Nemirofsky by integrating predetermined instruction in the control data, as taught by Harvey, so that Broadcast transmission facility can duplicate the operation of a television studio automatically through the use of instruction and information signals embedded in programming supplied from a broadcast source to the remote site for monitoring (Col.3, lines 30-Col.4, lines 5).

Regarding claim 45, Nemirofsky further discloses wherein hardware at each remote site controls actual overlay of the local vision materials (Fig.3, elements 75);

Harvey further discloses signals level from the satellite receiver (Col.4, lines 47-65+); and output from a cable head-end and/or TV transmitter to be within acceptable pre-defined limits (Col.5, lines 4-10) and (Col.7, lines 23-30).

Regarding claim 46, Both Nemirofsky (Col.16, lines 5-45) and Harvey (Col. 12, lines 46-57 and Col.18, lines 30-42) further discloses sending querying data about the operations at the remote site, error reports to the central continuity studio and, when desired, remote site operational information from the continuity studio through modem/telephone network and/or satellite data link.

Regarding apparatus claim 52, see method claim 43.

Regarding apparatus claim 54, see analysis of method claim 45.

Regarding apparatus claim 55, see analysis of method claim 46.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 2611

Contact Fax Information

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or Faxed to: (703) 872-9314

(for informal or draft communications, please label "PROPOSED" or
"DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).

Contact Information

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Hai Tran whose telephone number is (703) 308-7372.
The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00
PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number
for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the receptionist whose telephone number is (703) 306-
0377.



ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

HT:ht
April 23, 2002